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3 **RESOLUTION NO. 2019-26**
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5 **A RESOLUTION OF THE VILLAGE COMMISSION OF THE**
6 **VILLAGE OF BISCAYNE PARK, FLORIDA; CALLING A**
7 **SPECIAL ELECTION TO FILL VACANCY OF ONE**
8 **COMMISSION SEAT; SCHEDULING SPECIAL ELECTION TO**
9 **BE HELD ON TUESDAY, JANUARY 07, 2020; PROVIDING FOR**
10 **NOTICE OF SPECIAL ELECTION; PROVIDING FOR**
11 **CANDIDATE QUALIFYING; PROVIDING FOR SPECIAL**
12 **ELECTION POLLING LOCATION; PROVIDING FOR**
13 **SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**
14

15 **WHEREAS**, on November 6, 2018, Laura Beth Wise was elected to serve as an at-
16 large member of the Village Commission of the Village of Biscayne Park, Florida (the
17 “Village”) for a four (4) year term commencing on November 2018 and ending in November
18 2022;

19 **WHEREAS**, on October 16, 2019, the Village Manager received a written notice of
20 resignation for this commission seat, effective October 16, 2019;

21 **WHEREAS**, the Village Manager promptly notified the Village Commission of the
22 resignation and vacancy during a special commission meeting held the following day on
23 October 17, 2019;

24 **WHEREAS**, more than six (6) months are remaining in this unexpired Commission
25 term; and

26 **WHEREAS**, Section 2.05 of the Village Charter requires such a vacancy to be filled
27 pursuant to a special election to occur within forty-five (45) days from the date from the date of
28 said vacancy, or as soon as allowed by the Miami-Dade County Supervisor of Elections
29 (“Miami-Dade SOE”), but in no case to exceed ninety (90) days; and

30 **WHEREAS**, Section 5.01 of the Village Charter, states that special elections, when
31 required, shall be scheduled by the Commission at such times and in such manner as shall be
32 consistent with the Village Charter; and

1 **WHEREAS**, Section 100.151, Florida Statutes requires the Village to first provide
2 notice to the Miami-Dade SOE of the need to call a special election to obtain consent as to an
3 election date prior to calling the special election; and

4 **WHEREAS**, the Village Clerk has notified the Miami-Dade SOE of the need to hold a
5 special election to fill the current vacancy on the Village Commission; and

6 **WHEREAS**, the Miami-Dade SOE has provided the Village with a proposed tentative
7 special election date of January 07, 2020; and

8 **WHEREAS**, Section 100.342, Florida Statutes, requires the Village to publish notice of
9 the special election in a newspaper of general circulation within the Village at least twice, once
10 in the fifth week and once in the third week prior to the week in which the special election is to
11 be held; and

12 **NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE**
13 **VILLAGE OF BISCAYNE PARK, FLORIDA, that:**

14 **Section 1. Recitals.** The above recitals are confirmed, adopted, and incorporated
15 herein and made a part hereof by this reference.

16 **Section 2. Special Election Called; Date and Time.** In accordance with the
17 provisions of the Village Charter and the applicable laws of the State of Florida, a special
18 election is hereby called and directed to be held in the Village of Biscayne Park, Florida from
19 7:00 a.m. to 7:00 p.m. on Tuesday, January 07, 2020, for the purpose of submitting qualifying
20 candidates to the Village's electorate to fill the vacancy on the Village Commission.

21 **Section 3. Candidate Qualifying.** The candidate qualifying for the Village of
22 Biscayne Park Commissioner shall commence at 9:00 AM on Wednesday, November 13, 2019
23 and shall end on Friday, November 22, 2019 at 5:00 PM.

24 **Section 4. Notice of Special Election.** The Village Clerk must coordinate
25 publishing the notice of special election in a substantially similar form as provided below:

VILLAGE OF BISCAYNE PARK, FLORIDA
NOTICE OF SPECIAL ELECTION
ON TUESDAY, JANUARY 14, 2020

PUBLIC NOTICE IS HEREBY GIVEN THAT THE VILLAGE OF BISCAYNE PARK, FLORIDA (THE "VILLAGE"), WILL CALL A SPECIAL ELECTION ON TUESDAY, JANUARY 07, 2020, WHICH TIME THE QUALIFIED ELECTORATE OF THE VILLAGE SHALL VOTE TO FILL ONE (1) VACANT AT-LARGE SEAT ON THE VILLAGE COMMISSION WITH A QUALIFYING CANDIDATE.

FOR ADDITIONAL INFORMATION, PLEASE CONTACT THE VILLAGE CLERK FOR THE VILLAGE OF BISCAYNE PARK VIA EMAIL AT VILLAGECLERK@BISCAYNEPARKFL.GOV OR BY PHONE AT (305) 899-8000.

Section 5. Publication Dates for Notice of Special Election. That Village Clerk

must publish the Notice of Special Election in newspaper of general circulation on the following dates:

Date for 1st publication, November 12, 2019

Date for 2nd publication, December 16, 2019

Section 6. Polling Location. The polling location for the special election shall be:

Village of Biscayne Park
Ed Burke Recreation Center
11400 NE 9th Court
Biscayne Park, Florida 33161

Section 7. Registration to Vote. Registration of persons desiring to vote in the

special election shall be in accordance with the general law of the State of Florida governing voter registration. All persons eligible to vote at this special election must be registered before the time and date set forth herein or have registered previously, as provided by law. Each person desiring to become a registered voter shall be responsible for properly filling out the requisite registration form and returning same to the Miami-Dade County Elections Office. All

1 questions concerning voter registration should be directed to Miami-Dade County Elections
2 Office, 2700 N.W. 8th Avenue, Doral, Florida 33172; Telephone (305) 499-VOTE (8683).

3 **Section 8. Absentee Voters.** The absentee voters participating in said special
4 election shall be entitled to cast their ballot in accordance with the provisions of the Law of the
5 State of Florida with respect to absentee voting.

6 **Section 9. Election Expenses.** The Village of Biscayne Park, Florida shall pay all
7 expenses for conducting this special election and will pay such expenses to Miami-Dade
8 County or directly to all persons or firms, upon receipt of invoice or statement approved by the
9 Miami-Dade County SOE.

10 **Section 10. Authorization of Village Officials.** The Village Manager, Village
11 Attorney, and Village Clerk are hereby authorized to take all steps necessary to complete the
12 execution and implementation of the terms and purposes of this Resolution.

13 **Section 11. Village Canvassing Board.** The special election shall be canvassed by
14 the Village Canvassing Board, in accordance with Section 2-33 of the Village Code.

15 **Section 12. Severability.** If any section, sentence, clause or phrase herein is held to
16 be invalid by any court of competent jurisdiction, then said holding shall in no way affect the
17 validity of the remaining portions of this Resolution.

18 **Section 13. Effective Date.** This Resolution shall become effective immediately
19 upon its adoption.

1
2 **PASSED AND ADOPTED** this 24th day of October, 2019.

3
4 Motion by Commissioner TUDOR, second by ~~Commissioner~~ ^{MAYOR} TRUPPMAN.
5

6 The foregoing resolution upon being
7 put to a vote, the vote was as follows:
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9 

10 Tracy Truppmann, Mayor

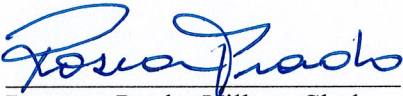
Mayor Truppmann: **YES**

Vice-Mayor Samaria: **YES**

Commissioner Johnson-Sardella: **ABSENT**

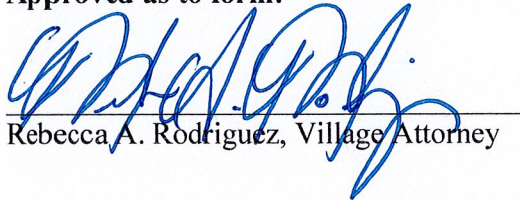
Commissioner Tudor: **YES**

11
12
13 Attest:

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15 

16 Roseann Prado, Village Clerk

17
18
19 **Approved as to form:**

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21
22
23 Rebecca A. Rodriguez, Village Attorney